

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 13, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Nielsen. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ian Richter, Page.

Approval of Journal

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Marge Chadderdon, State Representative, District 4, House Seat A, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Luke Malek of Coeur d'Alene, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Luke Malek, Acting State Representative, District 4, House Seat A, Kootenai County, State of Idaho, for a term commencing on February 13, 2012, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 9th day of February, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor
/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Luke Malek.

February 10, 2012

Mr. Speaker:

I return herewith enrolled [H 364](#) and [H 365](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 364](#) and [H 365](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 33](#), [HCR 34](#), [H 517](#), [H 518](#), [H 519](#), [H 520](#), [H 521](#), [H 522](#), [H 523](#), [H 524](#), [H 525](#), and [H 526](#).

WILLS, Chairman

[HCR 33](#) and [H 526](#) were filed for second reading.

[HCR 34](#) was referred to the Environment, Energy, and Technology Committee.

[H 517](#), [H 518](#), and [H 519](#) were referred to the Revenue and Taxation Committee.

[H 520](#) and [H 524](#) were referred to the Business Committee.

[H 521](#) was referred to the Education Committee.

[H 522](#) and [H 523](#) were referred to the Commerce and Human Resources Committee.

[H 525](#) was referred to the Resources and Conservation Committee.

February 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 450](#) and recommend that it do pass.

WILLS, Chairman

[H 450](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 10 BY HEALTH AND WELFARE COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED,

AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Patient Protection and Affordable Care Act (PPACA), passed by the United States Congress in 2010, created a new nationwide requirement for health plans; and

WHEREAS, the PPACA does not allow insurers, purchasers and other stakeholders with religious or moral objections to specific items or services required under the PPACA to decline to provide or obtain coverage of such items or services, or allow health care providers with such objections to decline to provide them; and

WHEREAS, by not allowing those with religious or moral objections to decline to provide or obtain coverage with items or services that conflict with their beliefs, the PPACA infringes on the rights of conscience of insurers, purchasers and other stakeholders; and

WHEREAS, Congress is considering the Respect for Rights of Conscience Act of 2011, H.R. 1179, S. 1467, that would amend the PPACA and ensure that health care stakeholders retain the right to provide, purchase or enroll in health coverage that is consistent with their religious beliefs and moral convictions without fear of being penalized or discriminated against under the PPACA and would ensure that no requirement in the PPACA creates new pressures to exclude those exercising such conscientious objection from health plans or other programs under the PPACA.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges the United States Congress to pass the Respect for Rights of Conscience Act of 2011 and allow Americans to retain the right to provide, purchase and enroll in health coverage that is consistent with their religious beliefs and moral convictions.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 10 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 527
BY LOCAL GOVERNMENT COMMITTEE
AN ACT**

RELATING TO A MORATORIUM ON CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES FOR A TIME CERTAIN; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE A MORATORIUM FOR A TIME CERTAIN ON THE PERMITTING OR LICENSING OR CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES AND TO PROVIDE FOR CREATION OF A LEGISLATIVE TASK FORCE;

DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 528
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO DOMESTIC VIOLENCE AND CRIME PREVENTION; AMENDING SECTION 39-6301, IDAHO CODE, TO REVISE THE SHORT TITLE OF THE ACT; AMENDING SECTION 39-6303, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 39-6304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ACTIONS FOR PROTECTION ASSOCIATED WITH DOMESTIC VIOLENCE AND TO PROVIDE FOR ACTIONS FOR PROTECTION ASSOCIATED WITH SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING; AMENDING SECTION 39-6306, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH COURTS MUST HOLD HEARINGS ON PETITIONS FOR PROTECTION ORDERS, TO REVISE PROVISIONS RELATING TO PROTECTION ORDERS ASSOCIATED WITH DOMESTIC VIOLENCE, TO PROVIDE FOR PROTECTION ORDERS ASSOCIATED WITH SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING, TO REMOVE A TIME LIMITATION PROVISION RELATING TO PROTECTION ORDERS, TO PROVIDE THAT RELIEF SHALL NOT BE DENIED IN THE EVENT OF SPECIFIED CIRCUMSTANCES IN MATTERS INVOLVING SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING, TO PROVIDE THAT PROOF OF PHYSICAL INJURY SHALL NOT BE REQUIRED IN MATTERS RELATING TO SEXUAL ASSAULT, TO PROVIDE THAT A COURT MAY CONSIDER WHETHER A PETITIONER'S AFFIDAVIT IS CONSISTENT WITH ANY PHYSICAL INJURIES PRESENT IN REGARD TO SEXUAL ASSAULT PROTECTION ORDERS, TO REMOVE A TIME LIMITATION PROVISION RELATING TO RELIEF GRANTED BY A PROTECTION ORDER, TO PROVIDE FOR NONDISCLOSURE OF ADDRESSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-6308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EX PARTE TEMPORARY PROTECTION ORDERS IN REGARD TO DOMESTIC VIOLENCE, TO PROVIDE FOR EX PARTE TEMPORARY PROTECTION ORDERS IN REGARD TO MATTERS INVOLVING SEXUAL ASSAULT, SEXUAL ABUSE AND STALKING, TO REVISE PROVISIONS RELATING TO SITUATIONS CONSTITUTING IRREPARABLE INJURY, TO REVISE PROVISIONS RELATING TO THE DURATION OF EX PARTE TEMPORARY PROTECTION ORDERS, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH COURTS MUST HOLD HEARINGS ON EX PARTE TEMPORARY PROTECTION ORDERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6311, IDAHO CODE, TO REMOVE A TIME LIMITATION PROVISION RELATING TO RENEWED PROTECTION ORDERS; AND AMENDING SECTION 16-1602, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 529
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO OVERSIGHT OF FEDERAL HEALTH CARE REFORM; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9005, IDAHO CODE, TO PROVIDE LEGISLATIVE

FINDINGS, TO PROVIDE OVERSIGHT OF FEDERAL HEALTH CARE REFORM AND TO DEFINE A TERM; AND AMENDING SECTION 67-456, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMITTEE, TO REVISE PROVISIONS RELATING TO MEETINGS OF THE SPECIAL OVERSIGHT COMMITTEE ON HEALTH CARE REFORM, TO REVISE THE DUTIES OF SUCH COMMITTEE AND TO REQUIRE CERTAIN REPORTS.

HOUSE BILL NO. 530
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO DISABILITY INSURANCE POLICIES; AMENDING CHAPTER 21, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-2147, IDAHO CODE, TO PROVIDE FOR LIMITATION OF BENEFITS FOR ABORTIFACIENTS, STERILIZATION AND CONTRACEPTION IN DISABILITY INSURANCE POLICIES AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 531
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO ESTABLISH A FEE FOR THE TRANSFER OF EVERY CERTIFICATE OF TITLE ON A VEHICLE, TO REQUIRE THAT SUCH FEE BE DEPOSITED INTO A CERTAIN FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-5202, IDAHO CODE, TO REQUIRE THAT CERTAIN FEES BE PAID INTO THE PUBLIC SAFETY AND SECURITY INFORMATION FUND.

HOUSE BILL NO. 532
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL; AMENDING CHAPTER 51, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5118, IDAHO CODE, TO GRANT THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL THE AUTHORITY TO ESTABLISH AND ASSESS CERTAIN FEES, TO REQUIRE THE COUNCIL TO DEPOSIT SUCH FEES INTO A CERTAIN FUND AND TO GRANT THE COUNCIL THE AUTHORITY TO EXPEND MONEYS TO COVER THE COSTS FOR CERTAIN USES.

[H 527](#), [H 528](#), [H 529](#), [H 530](#), [H 531](#), and [H 532](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 516](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 407](#), [H 408](#), [H 409](#), and [H 469](#), by Business Committee, were read the second time by title and filed for third reading.

[H 455](#) and [H 475](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[H 379](#), [H 460](#), [H 462](#), [H 463](#), and [H 464](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 443](#) - FLAGS

[H 443](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 443](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – None.

Absent and excused – Barrett, McGeachin, Nielsen, Pence, Smith(24), Wills. Total – 6.

Total – 70.

Whereupon the Speaker declared that [H 443](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 446](#) - STATE PARKS

[H 446](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 446](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Nielsen, Pence, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 446](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 449](#) - STATE POLICE - FINES

[H 449](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 449](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bateman, Bedke, Bell, Bilbao, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hart, Henderson, Higgins, Jaquet, Killen, King, Lacey, Luker, McMillan, Nessel, Patrick, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Trail, Wood(27). Total – 42.

NAYS – Andrus, Barbieri, Barrett, Batt, Bayer, Boyle, Crane, Hagedorn, Hartgen, Harwood, Lake, Loertscher, Marriott, McGeachin, Moyle, Nonini, Palmer, Roberts, Shepherd, Simpson, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 24.

Absent and excused – Black, Nielsen, Pence, Wills. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 449](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1213](#) - PROCEEDINGS IN MAGISTRATE'S DIVISION

[S 1213](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [S 1213](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Black, Nielsen, Pence, Roberts, Wills. Total – 5.
Total – 70.

Whereupon the Speaker declared that [S 1213](#) passed the House. Title was approved and the bill ordered returned to the Senate.

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Opening Remarks Representative Linden Bateman

"Hector the Hero"
Joe and Jaci Sites, Rick Youngblood
Violin and Guitar

"The End of Lincoln: A Reading from Carl Sandberg"
By David Leroy

"Lincoln: His Language and Ideas"
Representative Stephen Hartgen

"Old Time Fiddle Medley"
Joe and Jaci Sites, Rick Youngblood
Violin and Guitar

Remarks by President and Mrs. Abraham Lincoln

Closing Remarks..... Representative Linden Bateman

Prior to going at ease, the House was at the Eleventh Order of Business.

At this time, Mr. Moyle took the Chair.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 10:30 a.m., Tuesday, February 14, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:54 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk